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WHY SHOULD I BECOME AN ASSOCIATE AT A LARGE LAW FIRM? AND IF I DO, THEN WHAT SHOULD I EXPECT AND HOW DO I SUCCEED?

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INTRODUCTION.....	67
A BRIEF AUTOBIOGRAPHY.....	68
I. THE BIG FIRM LURE.....	71
A. <i>Salaries And Bonuses</i>	71
B. <i>Post-Firm Opportunities</i>	73
II. WHAT TO EXPECT AND SURVIVING/SUCCEEDING AS AN ASSOCIATE.....	76
A. <i>Be Available: “10-2”</i>	77
B. <i>Work-Life Balance and Billable Hour Requirements</i>	78
C. <i>How To Bill</i>	81
D. <i>How to Approach an Assignment and Managing Work Assignments</i>	82
1. <i>Learn About the Facts of the Case</i>	84
2. <i>Be a Duck</i>	85
3. <i>Be Efficient</i>	85
4. <i>Learn What the Research Will Be Used For</i>	86
5. <i>Make Sure You Have Time to Complete the Assignment Well</i>	87
6. <i>Track Your Time and Efforts on a Project</i>	89
7. <i>Ask Questions</i>	90
8. <i>Submit Only Finished Work</i>	91
9. <i>Seek Constructive Criticism</i>	91
10. <i>Be Diligent</i>	92
E. <i>Say Yes, But Not Too Much</i>	92
F. <i>Seek Out Good Work And Training</i>	93
G. <i>The Golden Rule – Treat Others How You Would Like To Be Treated</i>	95
1. <i>Opposing Counsel – Be Civil</i>	95
2. <i>The Less Fortunate – Pro Bono</i>	97
3. <i>Clients</i>	98
4. <i>Co-Workers</i>	98
H. <i>Join Committees With A Purpose</i>	100
I. <i>Is Selling My Soul A Condition Precedent To Working At A Large Firm?</i>	100
J. <i>Avoid the Golden Handcuffs</i>	102
III. MAKING PARTNER.....	102
CONCLUSION.....	107

INTRODUCTION

Despite horrific accounts from former partners and associates about working at large law firms, year after year “Big Law” jobs remain sought after by the upper echelon of law students across the country.² Although these jobs are highly coveted, many law students may not be fully aware of what working at a large law firm truly entails. This article discusses whether someone considering working for a large law firm should do so and what they should expect when they work at a large law firm.

In particular, this article provides a first-hand look at the advantages of working at a large law firm, what to expect, how to succeed, and how to make partner. This article also provides practical, tangible advice for junior attorneys starting out at large law firms about how to approach work assignments, work-life balance, billable requirements, how to bill, pro bono requirements, and how to deal with clients, colleagues, and opposing counsel.

Much of the advice in the article, which I have given throughout the years to many law students and junior associates, also applies to any junior attorney starting his/her practice at any organization, including a small firm, medium-sized firm, a corporation (as in-house counsel), or a governmental entity (such as the state attorney’s office). A good portion of the advice is also useful to summer associates and law students who intern or extern.

Part I of this article discusses the selling points of Big Law, including salaries, bonuses, and future employment after large law firm life, such as potential in-house

² “Big Law” refers to the largest law firms in the nation, which are typically full-service firms that maintain multiple offices across the country and/or the world. Big Law firms usually consist of more than 100 attorneys, “rank among the top-grossing law firms in the nation, pay top-market salaries, recruit from tier one law schools, [and] hire from their summer programs.” See, Sally Kane, BigLaw, ABOUT.COM GUIDE, <http://legalcareers.about.com/od/A-E/g/Biglaw.htm> (last visited Jun. 20, 2013).

positions and other prestigious employment. Part II examines what is necessary to survive and succeed in a large law firm, and Part III discusses how to make partner.

This article concludes that Big Law may be right for some people, but not others. This article may help law students and junior attorneys decide if they truly want to work at a large law firm. This article also provides junior attorneys that are just beginning their careers with useful advice to help them succeed in a large law firm, as well as any organization, as an attorney.

A Brief Autobiography

I worked for three large law firms – Jones Day, DLA Piper (“DLA”), and King & Spalding – each for approximately three years. Each of these firms is currently ranked in the top 50 of Vault’s top 100 firms and Am Law’s top 100 firms.³ I “summered” at King & Spalding after my 1L year, and after my 2L year I split my summer between Jones Day in Los Angeles and King & Spalding in Houston. I chose Jones Day in Los Angeles.

Overall, it was a worthwhile experience to work at Jones Day. Although I gained some significant practical experience, including first-chairing what turned into an international pro bono dispute, defending depositions of chief financial officers for a major healthcare company, and drafting direct and cross examinations for witnesses, I believed that I might be able to obtain even more experience as a junior associate if I went to another firm. As a result, I headed to DLA in Century City where I could obtain more experience.

³ Top Law Firms, VAULT.COM, available at <http://www.vault.com/wps/portal/usa/rankings/individual?rankingId1=2&rankingId2=-1&rankings=1®ionId=0&rankingYear=2013&pageRange=1-25> (last visited Jun. 20, 2013); See also, Gross Revenue: A New Number One, THE AMERICAN LAWYER, available at <http://www.americanlawyer.com/PubArticleTAL.jsp?id=1202596371400> (last visited Jun. 20, 2013).

The DLA office in Century City consisted of about twenty litigation attorneys. It possessed the feel of a small firm environment – business casual Monday through Thursday and jeans on Friday – with the resources of a big firm.⁴ At DLA, I gained tremendous experience, arguing numerous motions for billing clients, taking and defending depositions, negotiating settlement, first-chairing a pro bono trial before an administrative law judge, drafting and arguing an appellate brief, and interacting with clients. I also served on the Century City office’s Hiring Committee, Summer Associate Committee, Pro Bono Committee, and Diversity Committee.

I planned on staying at DLA for as long as I practiced, but my wife became pregnant, and we wanted to move close to family for support. Thus, my wife and I relocated to Houston, and I rejoined King & Spalding where my Big Law experience began.

At King & Spalding, I first-chaired a jury trial, second-chaired an arbitration hearing, argued substantial motions, such as summary judgment motions, and took and defended numerous depositions. I served on the Houston office’s Lawyer Development Committee, which sought to improve the legal skills of the office’s attorneys. I also served on the Board of the Texas Civil Rights Project, which is an organization that “promotes racial, social, and economic justice through litigation, education, and social services for low/moderate-income persons least able to defend themselves,” and “strives to foster equality, secure justice, ensure diversity, and strengthen low/moderate-income communities in Texas.”⁵ I again planned on staying at this firm until I started teaching, which I did.

Working at big firms allowed me to work on high-stakes cases for prestigious clients. I learned how to write more effectively and how to conduct myself as a lawyer from some of

⁴ DLA PIPER, available at <http://www.dlapiper.com/home.aspx> (last visited Jun. 20, 2013) (stating that DLA consists of 4,200 lawyers in 30 countries across the world).

⁵ Our Mission, TEXAS CIVIL RIGHTS PROJECT, \ <http://www.texascivilrightsproject.org/3170/our-mission/> (Aug. 10, 2000).

the top attorneys in the nation. Big firm law also enabled me to work on pro bono matters with the support of big firm resources.

Typically, a legal aid organization suffers from limited resources to handle cases, while the large law firms I worked at possessed abundant resources, including attorneys who could work on my cases and budgets to cover the high costs of expensive litigation. For example, on one pro bono case I handled, the firm spent over 600 hours by its attorneys and paralegals. The pro bono organization that referred the case to my firm could only dedicate 30 hours to the case if it had to litigate the case itself. The difference that I made in people's lives on several pro bono cases made my time spent at a big firm worth it.

I also enjoyed teaching junior associates how to be better attorneys. As I became a mid-level and senior associate, I reviewed and evaluated junior associate work product. I also evaluated summer associate work extensively at one of my firms, and I conducted countless interviews of law students when I worked at my firms. Finally, the law firm positions meant stable and substantial income, which provided peace of mind.

Although I loved practicing law at large law firms, I left King & Spalding. I wanted to spend even more time with my family, and I felt it was the right time for me to start teaching.⁶ When I first started practicing, my fiancée and now wife was in school, obtaining her master's degree and then doctorate, while rising from teacher to principal in only a few years. We both maintained busy schedules during the week, and practicing at a big firm worked for our family at that point.

After our first son was born, I woke up with him around 5:00 or 5:30 a.m. to spend time with him, which gave my wife a chance to sleep and shower in the morning. I typically started getting ready for work at 8:30 a.m., I arrived at work around 9:30, and I stayed until 6

⁶ I guest lectured at the University of Texas Law School in Austin for one day of class in the fall before I left King & Spalding, and I knew I was ready to start teaching full-time.

or 6:30 p.m., working through lunch. I reached home by around 7:00 p.m., spent time with my son and wife until 9 p.m., then I spent time with my wife until 11 p.m., and then sometimes I worked until 1 or 2 a.m. in the morning. I usually did not work on the weekends.

I did occasionally have trials or arbitration hearings, which required seventeen to twenty-hour work days several weeks prior to and during those approximately week-long trials and hearings. I also maintained a brutal travel schedule for a while, traveling every other week out of state for several months. The firm did, though, allow me to work from home for approximately two months when my wife went into pre-term labor with our second son (who was born only two weeks before his due date), and I did not have to travel at all during that time. I also took a month off from work when my oldest son was born, and I took three weeks off when my youngest son was born, which the firm fully supported.

A partner at one of my firms once told me that one must work hard at having a family when one is an attorney at a Big Law firm. I understand what he meant, as anything that is worth doing takes times to be good at, including practicing law and being a good husband and a good father.

The Big Firm Lure

A. Salaries and Bonuses

After three years of amassing inconceivable debt from law school, and additional debt if the individual took out loans for his/her undergraduate degree, a law student may first look for post-law school employment that helps to reduce those major debts substantially. Salaries at large law firms tend to soar higher than starting salaries at other

post-law school employment jobs.⁷ Generally, the median starting salary for law student graduates in 2012 was \$61,245, while the starting salary for law student graduates at the largest law firms was typically \$160,000.⁸

Paying off student loans is not a crime in this country. Making money early in your career to help you save for the future is not against the law either. You can also make a lot of money if you do make partner or stay with a firm as counsel or of-counsel. According to data from 2012, the average salary for Big Law partners was \$681,000.00, a rise of 6.4% over the past two years.⁹

The leading law review article on Big Law by Patrick Schiltz (“Schiltz”) argues that money is the only reason someone would want to work at a firm, but money should not be an end goal in itself.¹⁰ There is nothing wrong with making money. We live in America, and capitalism remains the best economic system in the world. If you want to work hard and make money, then that is your right in America. You can pay for your children’s education, buy nice things for your family, afford for your spouse to raise the children (if that is a priority for you), afford for your spouse to work at a job that pays less but that he/she truly loves, and enjoy vacations all over the world.

⁷ Law School Class of 2012 Finds More Jobs, Starting Salaries Rise – But Large Class Size Hurts Overall Employment Rate, NALP.ORG (Sept. 18, 2013), available at http://www.nalp.org/associate_salaries_sept2013. Data from 2013 shows that the starting salary of \$160,000 was widespread at large law firms, and specifically at large law firms consisting of more than 700 attorneys, while the other starting salary medians for large law firms were as follows: firms consisting of 100 to 250 attorneys, \$110,000; firms consisting of 251 to 500 attorneys, \$160,000; and firms consisting of 501 to 700 attorneys, \$125,000. Associate Salaries Bobble But Remain Essentially Flat, NALP.ORG (Sept. 18, 2013), available at http://www.nalp.org/associate_salaries_sept2013.

⁸ Id.

⁹ Drew Combs, Report Shows Pay Gaps Widening Among Partners, THE AM. L. DAILY (Sept. 18, 2012), available at http://www.americanlawyer.com/PubArticleALD.jsp?id=1202571749445&Report_Shows_Pay_Gaps_Wideni ng_Among_Partners&slreturn=20130522133629.

¹⁰ Patrick J. Schiltz, On Being A Happy, Healthy, and Ethical Member of an Unhappy, Unhealthy, and Unethical Profession, 52 VAND. L. REV. 871, 873 (1999). Patrick Schiltz was formerly a professor at Notre Dame Law School and a founding associate dean of the University of St. Thomas School of Law in Minneapolis. He now sits on the bench as a federal district court judge in Minneapolis. Biographical Schiltz, Patrick Joseph, FEDERAL JUDICIAL CENTER, <http://www.fjc.gov/servlet/nGetInfo?jid=3109&cid=999&ctype=na&instate=na> (last visited August 4, 2013).

If, however, you become obsessed with money, lose all of your morals and values, completely neglect everyone in your life, and stab colleagues in the back to reach higher levels in the firm, all for the pursuit of money, then that is obviously undesirable and unacceptable. Back-stabbing, selling your soul, and neglecting loved ones is not a requirement for working at a large firm, and you can choose how you want to live your life, even when you are making a large amount of money.

Personally, some of my family needed money, and going to a firm became my goal when I first arrived in law school. Duke provided ample opportunity to interview with major law firms. By working at large law firms, I helped my family financially, paid off all of my debts and my wife's debts, and we lived very comfortably, which included taking numerous vacations when I practiced. Our vacations included, for example, three weeks off when we got married consisting of a week in Colorado before and including the marriage and the two-week honeymoon in Jamaica, a two-week trip to Italy, a seven-day trip to Mexico, a two-week trip to St. Lucia in the Caribbean, many weekend getaways to, among other places, Santa Barbara, Palm Springs, Malibu, Big Bear, and numerous trips to Colorado and Texas to visit family.

Bonuses also remain attractive features of big firm life.¹¹ Bonuses may seem outrageous to many, particularly because a bonus can equal or surpass many salaries for starting attorneys at non-law jobs.¹² For example, an eighth-year associate today at a New York firm may receive a bonus of \$60,000, which is essentially the median starting salary for law school graduates of the class of 2012.¹³

¹¹ Abby Rogers, Elite Law Firm Cravath Just Announced Surprisingly Good Bonuses, BUSINESS INSIDER (Nov. 27, 2012), <http://www.businessinsider.com/cravath-announces-bonus-scale-2012-11>.

¹² Id.

¹³ Law School Class of 2012 Finds More Jobs, Starting Salaries Rise – But Large Class Size Hurts Overall Employment Rate, NALP.ORG (June 20, 2013), available at http://www.nalp.org/classof2012_selected_pr.

Notwithstanding the sizeable layoffs for some large law firms during the recession – a recession that negatively affected many companies, not just some large law firms – large law firm jobs are traditionally stable jobs with steady pay. Large law firms typically serve institutional clients, which are major clients that can afford the large law firm bills and that consistently encounter legal issues. At my last firm, King & Spalding, I worked primarily on cases for Chevron, which is a major institutional client of King & Spalding. Institutional clients pay on a regular basis, and firms usually bill clients on an hourly basis. As a result, the pay and work for an associate is usually steady, which makes working at a large law firm attractive for many law students.

B. Post-Firm Opportunities

One of the biggest attractions to large law firms is the opportunities that come from working at a large law firm. The prestige, connections, and complex legal work associated with large law firms allow attorneys who work at large law firms to transition into a number of highly sought-after positions. The most common opportunities that stem from working at a large law firm include in-house counsel positions, other prestigious legal positions such as working at the United States Attorney's Office, and serving as a judge. One can also easily transition from a big firm to a medium or small law firm, like many of my former colleagues, or one can even start his/her own firm, as did two of my former colleagues from Jones Day.

In-house positions remain desirable destinations for many attorneys as they usually entail a better work-life balance than working at a law firm. This reputation may be true in some instances, but not in all, as I know some attorneys who went in-house and worked more hours than they anticipated. Nevertheless, working at a large law firm can provide attorneys with a knowledge base that allows them to transition to an in-house position. For

example, an individual that works in anti-trust law in a large law firm can quickly assimilate into a company's anti-trust legal team as one of my former colleagues did. The breadth and scope of work that some attorneys encounter at large law firms make them attractive candidates for post-firm jobs, including in-house positions.¹⁴

Some employers seeking in-house counsel may use large law firm experience as an initial screening mechanism (i.e., a prerequisite) to sift through potential candidates by eliminating non-large law firm attorneys from the recruiting process.¹⁵

Also, sometimes one of the corporate clients of a law firm hire a law firm associate or partner that does excellent work for the corporate client, which happened to several of my former colleagues.¹⁶ Thus, working at a large law firm can directly lead to rewarding post-firm opportunities.

Working for a large law firm, which oftentimes represents Fortune 100 companies, also helps build credibility for a lawyer's practice, which may allow the attorney to find a post-large law firm position.

Several of my former colleagues went to the United States Attorney's Office ("USAO") after practicing at large law firms, including Rasha Gerges. The USAO seeks attorneys with experience, and working at certain large law firms allows attorneys to obtain experience.¹⁷ In addition, Big Law firm attorneys interact with partners who have connections in organizations such as the USAO, which can help law firm attorneys obtain

¹⁴ David Bernal's Responses to Questions on Large Law Firms app. B [hereinafter Bernal's Responses].

¹⁵ Id.

¹⁶ See On The Inside Looking Out, KING & SPALDING CONNECTION, <http://alumni.kslaw.com/newsletter/2010/fall/spotlight-hamlin.asp> (last visited July 15, 2013) (regarding Kristi Hamlin, who worked on cases for Chevron at King & Spalding and then she seamlessly made the transition to in-house counsel for Chevron); NANCY RAPOPORT AND JEFFREY VAN NIEL, LAW FIRM JOB SURVIVAL MANUAL: FROM FIRST INTERVIEW TO PARTNERSHIP 195 (Vicki Been et al. eds., Wolters Kluwer Law & Business 2014) (stating that "the #1 way to get noticed by an in-house attorney [is to] [d]o superior work for that attorney while you're at your firm").

¹⁷ Rasha Gerges' Responses to Questions on Large Law Firms app. A [hereinafter Gerges' Responses].

positions in such organizations.¹⁸ Furthermore, attorneys at large law firms can gain tremendous experience that makes them much more viable and attractive candidates for numerous legal jobs, including Assistant United States Attorney.¹⁹

Attorneys at large law firms may also find their way to the bench as judges. Justice Antonin Scalia of the United States Supreme Court began his legal practice at Jones Day.²⁰ Many other judges begin their practice at large law firms, such as another former colleague of mine, David Bernal, who sat on the bench in Harris County District Court after working for several years as an associate at Baker Botts and King & Spalding. Mr. Bernal contends that his experience at his large law firms was a positive factor in earning a seat on the bench (as well as his current in-house position).²¹

Attorneys who practice at a large law firm may also enter into academia, which I did, as did many of my current colleagues. Both my former and current law schools valued my practical experience at high-end law firms, and my experience practicing at those firms helped me secure those academic positions.

Schiltz argues that Big Law does not necessarily open doors for junior associates, and when leaving Big Law one may have less mobility than assumed.²² This argument is inconsistent with my own experience, those of my former colleagues, and many other former associates and partners. Big Law does, in fact, open doors, and it allows for greater mobility for many Big Law attorneys.²³

II. What To Expect And Surviving/Succeeding As An Associate

¹⁸ Id.

¹⁹ Id.

²⁰ Antonin Scalia Biographical Data, LEGAL INFORMATION INSTITUTE, <http://www.law.cornell.edu/supct/justices/scalia.bio.html> (last visited Jun. 20, 2013).

²¹ Bernal's Responses *supra* note 14

²² Schiltz, *supra* note 10, at 932.

²³ See, e.g., Gerges' Responses, *supra* note 17, and Bernal's Responses, *supra* note 14.

If you are fortunate enough to obtain an associate position at a large law firm, then this section will prepare you and help you succeed.²⁴ This section can also help any attorney starting his/her career, whether he/she starts at a large firm, medium-sized or small firm, a corporation (as in-house counsel), or a governmental entity. Some of this advice also applies to summer associates and law student intern/extern positions. This section discusses, among other things, being available, billable hour requirements and work-life balance. It also provides practical advice on how to bill, how to approach a work assignment, how to deal with opposing counsel, clients, and co-workers, and how to keep your soul intact.

A. Be Available: “10-2”

After a few months at my first firm, the first year associates received an email requesting our attendance at a presentation by a partner. We arrived for the lunch and presentation, and the partner began talking about how he rose in the ranks by being available. He told us stories of working on Christmas and Christmas Eve with great pride. He talked about working around the clock. At one point, he said that if we wanted to do pro bono work, then that was fine, but we should do it from “10 to 2.”

Some of my fellow first year associates and I wondered about that time-frame – “10 to 2.” Why would we do pro bono work from 10 a.m. to 2 p.m. every day, especially when this partner was telling us to be available as much as possible and to bill as much as we

²⁴ It is difficult to obtain a large law firm job. Most firms only recruit students from top tier schools who are in the top 25 to 50 percent of their class. Law firms may also sometimes recruit from schools ranked lower than the top tier, but typically the students must be at the top five or ten percent of their classes. The top students from schools that are unranked can also sometimes obtain large law firm jobs, which I have seen. I also know of someone who was hired based on a strong recommendation by one of the firm’s clients, and that person turned out to be an excellent lawyer. Attorneys can also work for the state attorney’s office, the Securities and Exchange Commission (SEC), or other governmental entities, and then lateral into a large law firm associate position, but this route is difficult as well.

If you do find yourself choosing between large law firms, then choose the one where junior associates obtain the most experience (which means you will need to talk to junior associates before you accept an offer to find out what they have done – i.e., depositions, argued a motion). And choose a firm where you fit in with the attorneys. Firms can have different cultures, and offices of the same firm can be very different as well. For example, one office may be laid back, while another more formal.

could? Other more astute first year associates figured out that the partner meant we could do pro bono on our own time, meaning 10 p.m. to 2 a.m. Needless to say, this did not sit well with some of us who believed we were entitled to large paychecks from prestigious firms without putting in a tremendous amount of time to earn those paychecks. We were wrong. There is a price for everything, and although the price for working at a firm is high, the rewards can be just as high.

The partner, in any event, turned out to be right. The most important aspect of being a new associate is being available. Partners and senior associates handle a great deal of work, and they need attorneys who are willing to be available to help when needed. With the advent of Blackberries and iPhones, associates can now be reached at any time of the day or night. Associates must be prepared to say yes to assignments when possible to build up trust and cache with the senior associates and partners who will continue to give work to those who take it and do a good job.

B. Work-Life Balance and Billable Hour Requirements

The work-life balance that many people want, which involves a steady, healthy balance of equal hours between work and time spent outside of work, does not typically exist in a large law firm. If you want to work at a large law firm and also spend time with loved ones outside of work or spend time on things you enjoy outside of work, then you must make time for loved ones and those non-work joys with the understanding that you will certainly be deficient in the sleep department, as I was.

Even Schiltz admitted:

Any law firm – or any other employer – has the right to expect you to work hard. No matter what type of law you practice, you will not succeed without putting in long hours at the office (and terrifically long hours when you have a case about to try or a deal about to close). Few legal employers – and even

fewer law firms – can guarantee you a nine-to-five, five day-per-week work schedule. For you to insist on such a schedule would be unreasonable.²⁵

Not only does a large law firm job usually require billable hours of 2,000 or 2,100 hours, but it also requires other major time commitments that are typically not counted toward billable hours, such as the many hours spent filling out time sheets of hours billed, practice group meetings, committee meetings, recruiting, training, and business development.

If you want to be truly great at something, then you must put in the time to become great.²⁶ Bill Gates provides a classic example of someone who worked countless hours to become successful. Bill Gates said, “I never took a day off in my twenties. Not one.”²⁷

And Thomas Edison famously opined, “Genius is one percent inspiration and ninety-nine percent perspiration.”²⁸

You cannot expect to work fewer hours than everyone else, yet still be more prepared and more skilled than someone working considerably more hours than you. You gain valuable experience during the hours you work, and the more you work, then the more opportunity you will have to refine your legal skills, provided you are doing quality work.

If you are truly billing the hours required of you, then you are working extremely hard and there is no equal distribution between work and non-work hours. For instance, most firms require at least 2,000 billable hours a year. If you work 50 weeks – you should take off at least two weeks every year from work or you will undoubtedly burn out – then

²⁵ Schiltz, *supra* note 10, at 942.

²⁶ One author contends that “[t]en thousand hours of practice is required to achieve the level of mastery associated with being a world class expert-in anything...” MALCOLM GLADWELL, *OUTLIERS: THE STORY OF SUCCESS* 2-3 (2011).

²⁷ Caroline Graham, This is not the way I’d imagined Bill Gates...A rare and remarkable interview with the world’s second richest man, MAILONLINE, available at <http://www.dailymail.co.uk/home/moslive/article-2001697/Microsofts-Bill-Gates-A-rare-remarkable-interview-worlds-second-richest-man.html> (last visited Jun. 20, 2013).

²⁸ SCOTT REALL, *JOURNEY TO FREEDOM FACILITATOR’S GUIDE: DISCOVERING A LIFETIME OF HOPE ...* 72 (2006).

that equates to eight hours billed a day, every five days of the week (i.e., eight hours a day times five days a week equals 40 hours a week, and 40 hours a week multiplied by 50 weeks equals 2,000 billable hours). This does not take into account holidays, which many attorneys work on, nor does it include non-billable time spent at work, such as lunch, commuting to and from work, practice group meetings, or inputting the hours you billed. In any event, billing all of those hours is difficult, not to mention if your firm requires 2,100 or more hours (some firms and some offices of firms require and/or expect 2,100 hours, 2,200 hours or more).²⁹

My hours hovered around the billable requirement my entire career (around the 1900's, 2000's and 2100 hours). I was always extremely well regarded in my firms according to my reviews, the comments I received from the partners, and my pay raises and the bonuses that I received when I did "hit" my hours. If I billed over 2,300 or 2,400 hours, which I never did, then personally I would not have been able to make the kind of time I wanted to be with my family, but everyone is different.

There is a price for everything, and the major price you pay for working at a large law firm is the amount of time you spend devoted to work. If you can make enough quality time for your loved ones and still satisfy your work requirements, then you can work at a large law firm. If, at some point, you want more quality time with your family than the job is allowing, then that is when you should leave. The amount of quality time that is enough for an attorney is different for every individual, and you must make that choice for yourself. Some attorneys, as just one example, find enough quality time with their families by spending every

²⁹ Because it is uncertain when deals will be made, a transactional attorney's schedule can be even more hectic at times because it is more unpredictable than litigation. Litigation typically involves deadlines for discovery and filing certain motions, as well as trial and pre-trial dates, that the parties coordinate and schedule. Many attorneys, including both litigation and also transactional attorneys, work weekends. Schiltz, *supra* note 22, at 942 (1999).

weekend with their families and working hard during the weekdays; for others, that amount of quality time may not be enough.

One piece of advice I always gave to junior associates was, “When it’s slow, you go.” If you do have a lull in work, then you should take advantage of that time.³⁰ Instead of going into work for “face-time,” which is unnecessary at some firms anyway, attorneys can take trips with their loved ones or spend time enjoying life doing non-work activities. While you can perform non-billable activities that benefit your professional career and the firm, which I discuss below, you may need to use that “down-time” to rest, relax and recharge with your family or friends doing something that you enjoy.

Remember, though, that your billable hours do not define who you are as a person. Some people become so wrapped up in the hours and equating that to self-worth that they lose themselves in the process. The key to making your hours is looking for quality work on interesting cases that improve your skill set as an attorney. As we used to say when I played football at Rice University, “Don’t count the hours, make the hours count.” If you are excited about writing a new type of brief or taking a deposition for the first time, or writing a memorandum on an interesting area of the law, then you will focus on doing those tasks to the best of your ability, which will take time. When you focus on these projects, obtaining new projects, and improving as an attorney, then the hours will come.

C. How to Bill

Attorneys, particularly junior associates and newly minted attorneys, want to bill ethically. Although billing remains a critical component to running a law firm, as it provides the main mechanism for payment of lawyers’ work by the client, billing is not always taught

³⁰ Whitney Jones Roy’s Responses to Questions on Large Law Firms app. D [hereinafter Roy’s Responses].

uniformly to all attorneys when they start practicing. As a result, junior attorneys want to bill ethically, but they do not always know how.

The primary rule to follow for billing is that you should only bill for time spent working on matters for a client.³¹ Practically speaking, the best way to bill is by using a computer program that allows you to start the clock running on a task you are working on with the press of a button, and then you can pause the billing when you take a break, or you can stop the billing when you are done for that day. Try to use these computer programs. Otherwise, you could spend thirty minutes trying to remember if you spent five or ten minutes in the bathroom earlier in the day (or week).

Also, if you spend an hour working on a task, but take six minutes out of the hour here and there to update something on Facebook or send a personal email, then you should know better than to charge a client \$30 (which is 1/10 of an hour, six minutes, multiplied by your billable rate, \$300, e.g.) or more for you to change your relationship status from “single” to “it’s complicated.” As a result, computer programs that allow you to start and stop your billing time when you need to take a break, make personal phone calls, or chat online, keep you billing ethically.

If you bill using handwritten or computer-typed notes, then you should follow several of the rules and guidelines proposed by Professor Lerman in her proposed guide to billing for all lawyers.³² First, Lerman suggests recording your time on the firm’s official software at least twice a day.³³ Some firms require official entry of time either weekly or monthly. If you wait until the end of the month to enter your time based on scratch notes, incoherent descriptions, or illegible notes, then your time will not be recorded accurately.

³¹ ABA Comm. on Ethics & Prof’l Responsibility, Formal Op. 93-379 (1993), available at http://www.thenalpa.org/files/ABA_Formal_Opinion_93-379.pdf.

³² Lisa G. Lerman, *Lying to Clients*, 138 U. PA. L. REV. 659, 705-21 (1990).

³³ *Id.* at 751.

Second, make time entries that are precise and accurate records of the work done, describing the tasks with particularity. For example, if you performed legal research, you would need to indicate the legal question being researched, such as the following: begin research regarding the affirmative defense of waiver in support of a motion for summary judgment.

In general, you should bill for the following, unless the client or partner tells you otherwise: “(1) work that calls for the professional judgment of a lawyer; (2) conferring with other lawyers about a matter; (3) traveling to and from a meeting or proceeding; and (4) administrative tasks such as filing which require familiarity with the legal issues in a case.”³⁴

In general, you should not bill for the following:

(1) taking breaks from work [for any reason, including personal emails or phone calls, bathroom breaks,] eating meals, or sleeping; (2) socializing with a client in person or on the telephone; (3) keeping time records or explaining a bill to a client; (4) correcting errors made by firm personnel; [and] (5) soliciting new business from existing clients or advising existing clients of new areas of possible work, unless or until the lawyer is retained to do work on the matter discussed.³⁵

Also, double-billing is strictly prohibited.³⁶ For example, when traveling on a three-hour flight to attend a deposition in Chicago on case x, you cannot bill three hours for case x, while also billing three hours for case y because you drafted interrogatories for case y during that three-hour flight. Double-billing is clearly unethical and illegal and should be avoided entirely.

Another major rule is that you should never “cut” or reduce your time. If an attorney tells a junior associate it will take four hours to complete a task, and then the

³⁴ Id. at 752.

³⁵ Id. at 710.

³⁶ ABA Comm. on Ethics & Prof'l Responsibility, Formal Op. 93-379 (1993), available at http://www.thenalpa.org/files/ABA_Formal_Opinion_93-379.pdf; see also Lerman, *supra* note 18, at 709.

associate spends eight hours on the task, some junior associates will cut their time from eight hours to four hours to make themselves look smarter or to avoid looking dumb.

When you cut your time, you cheat yourself and possibly the firm. If you have a billable hours' requirement, then you are thwarting your own efforts to reach that goal if you cut your hours. Also, the firm may well have billed the client for all eight hours, meaning if you cut your time, then the firm cannot bill for those other four hours, and the firm will lose that money. Submit the actual number of hours you billed, and let the billing partner make the decision about how much he/she will bill the client. If the partner looks at the research you found or the memorandum you wrote, he/she may feel justified in billing the client for the full eight hours, despite the partner's four-hour estimate.

D. How to Approach an Assignment and Managing Work Assignments

Junior associates usually perform research and write memoranda, draft discovery requests and respond to discovery, write briefs, and draft pleadings. The focus of most junior associate (and summer associate, intern and extern) work is typically research and writing assignments. As a result, the discussion below focuses on research and writing assignments, but some of the advice is applicable for other types of assignments as well.

1. Learn About the Facts of the Case

The research and writing assignment may come in the form of an email from an attorney or a meeting with an attorney where he/she provides you with the assignment. If the assignment is given to you by email, then please ask to meet with the attorney giving you the assignment.

When you meet with the attorney, obtain as many facts as you can about the case. Also, ask to see if you can review the pleadings, any case summaries, and any other documents that may be relevant to the assignment. Let the attorney know that the research

you do will be better if you have more facts and background of the case to work with, as you will be better able to analyze case law to see if and how you can distinguish the cases in your client's favor. You will also be able to find out which cases are more on point with yours if you know more facts of your case. This approach lets the attorney you are working for know that you want to do a thorough job on the research assignment, and you want a big-picture understanding of the case. Many junior associates (and summer associates, interns and externs) are simply told to research a narrow issue and are either given no facts or very few, which makes the research harder to do.

2. Be a Duck

When I was a summer associate, a mid-level associate named John Tobin told me to “be a duck.”³⁷ This advice should be followed by all associates (including summer associates, interns and externs). Above the water, ducks appear calm, cool and collected. Underneath the water, however, ducks are kicking their feet relentlessly.

Associates (and summer associates, interns and externs), on the outside, should always appear calm and collected. On the inside, or more aptly when no one is looking, associates should always be working as hard as possible. I saw associates complain, “freak out,” and talk to everyone in the office about how much work they had and the stress/pressure they were under; this does not inspire confidence from your colleagues, and others will likely not want to work with you if you do not appear under control. On the other hand, if you appear calm and steady, then others will want to work with you, and they will enjoy working with you.

3. Be Efficient

³⁷ Mr. Tobin is currently in-house counsel for Plains All American Pipeline. Michael Caine, the British actor, is credited with the following quote: “Be like a duck. Calm on the surface, but always paddling like the dickens underneath.” available at http://thinkexist.com/quotation/be_like_a_duck-calm_on_the_surface-but_always/153790.html (last visited July 15, 2013).

Be efficient by asking the partner for an exemplar of whatever he/she is asking you to draft. Search for something written by the partner or a senior associate who works for the partner to provide you with the proper format and style that is acceptable to the partner. This will help you avoid wasting hours trying to figure out exactly what the memorandum, motion or document should look like, while bringing you closer to providing the partner with the work product he/she wants.

4. Learn What the Research Will Be Used For

Find out what the research and writing will be used for, whether in a motion, a memorandum to the client, a deposition, or a trial. This is important for a couple of reasons. As an initial matter, this signals to the partner that you are trying to understand where your project fits into the larger case. Partners must always think about the big-picture when approaching a case, and if a partner sees you thinking the same way, then you will likely be seen as partner-material. Along these lines, you should ask to see the final draft of the motion or the email that is sent to the client to find out how your research and memorandum were used, if at all. You should also ask to attend any hearing or client meeting that is based on your research and/or memorandum. The partner will appreciate you showing interest in his or her case. You can also learn a great deal about lawyering by watching experienced attorneys engaging in oral argument, taking depositions, or meeting with a client.

The other main reason you want to learn about what the research will be used for is to help you determine if the deadline is a “soft” or “hard” deadline.³⁸ For example, if the research will be used for a motion, and the motion is due July 9, then the deadline of June 1

³⁸ ADAM GROPPER, MAKING PARTNER: THE ESSENTIAL GUIDE TO NEGOTIATING THE LAW SCHOOL PATH AND BEYOND 43 ([American Bar Association 2013](#)) (discussing the importance of finding out if the deadline given by the partner or senior associate is “real” or “aspirational”).

is likely a soft deadline that can be moved if you have other work that becomes more pressing (moving deadlines will be discussed below). If the deadline for the assignment, however, is July 6, then that deadline is probably a hard deadline that cannot be moved as the attorney drafting the brief will only have a few days to incorporate your research into the brief, and there will not be ample time to do substantial further research if needed.

After I had been practicing for several years, a summer associate asked for my advice on a deadline issue. The “summer” accepted an assignment to research certain potential causes of action against a particular entity. The research and the memorandum were due on a date certain, but the summer failed to even start the project because of other work commitments. The summer also failed to communicate his lack of work on this project to the partner that assigned it. With the due-date quickly approaching, I told the summer to talk with the partner to find out what the research and memorandum would be used for and to find out, basically, if that deadline was a hard or soft deadline. The summer came back and told me the research and memorandum were to be used in a pitch to a major client for additional work, and the assignment deadline was only a day or two before the pitch, which could not be moved. These types of situations can be avoided through communication, which is the key to any working relationship.

Also, never set your own deadlines. If you tell a senior associate or a partner that you will finish the assignment on a date sooner than requested, then you are creating an unnecessary risk. This approach only works so long as you turn the assignment in by that earlier date, but if you go back to the senior associate or partner, either once or multiple times, to extend your self-imposed due date, then you can appear less reliable and indecisive.

5. Make Sure You Have Time to Complete the Assignment Well

The partner or senior associate will likely give you an estimate of how long each assignment will take. Attorneys are terrible estimators of time. Everything in the law takes a long time, or longer than attorneys would initially think, because attorneys, for the most part, are perfectionists. For example, researching thoroughly, which typically means you begin seeing all of the same cases on the topic, takes a great deal of time. Writing a memorandum, which involves editing and re-editing your own work, also takes a long time. Thus, whenever an attorney told me that an assignment would take a certain number of hours, I would always double (at least) that amount of time.

As a result, when you are given an assignment and the partner or senior associate tells you how long they think the assignment will take, ask them this question, “How long do you want me to spend on it?” This will help you determine if you have time to take this assignment.

If the partner says, “Spend no more than ten hours researching this issue and ten hours writing the memorandum,” then you can see if that fits into your work schedule. Or the attorney may say, “Spend as much time as you need on it, because the client needs an answer on this.” In addition, ask about what your work will be used for and the deadline (see discussions above), namely whether it can be moved or not. Thus, if the attorney says to spend no more than twenty hours on the project, it is due in three days, and the deadline cannot be moved, then you can look at your other work in the next few days to determine if you can complete this new assignment properly.

Also, consider who is asking you to do the work. If the partner asking you to do the work is the managing partner in your office or firm, or the partner in charge of your litigation section, and the assignment you have pending is from a mid-level associate, then let the partner know what other work you have and why the deadline they just gave you may be

a little tight. That partner, if he/she truly wants or needs you to complete the assignment, will talk to the mid-level associate and rearrange either due dates or working assignments. Consequently someone else may be given the mid-level associate's previously assigned project. If the partner indicates that he/she may be talking to the mid-level associate, then you should immediately tell the mid-level associate, or whomever the other assignment is for, what the partner said.³⁹ This helps keep everyone in the loop to avoid any miscommunication or missed deadlines. You should also immediately ask via email for a decision about how they would like you to proceed to ensure good communication and to avoid missing deadlines.

6. Track Your Time and Efforts on a Project

Knowing how long the partner wants you to spend on the task will help you budget your time while completing the work. For example, if the partner said spend no more than ten hours researching the issue, and at hour five of researching you believe you will need ten more hours, then go back to the partner and tell him/her, "You asked me to research issue [x] and spend no more than ten hours doing so. I have looked in the following places [list them] and done the following types of searches [list them], and I have found very little on point. I will need at least ten hours more to research in the following places [list them] with these likely searches [list them] to try to locate a solid answer. Please let me know if I should proceed in that manner. Thanks." This avoids any extra hours of unnecessary research. The partner may be upset, even if you find the answer, because the client only wanted to pay for ten hours of research on this issue, and now the partner may need to "write off" your

³⁹ RAPOPORT, *supra* note 16, at 40 (stating that it is better for the assigning attorneys to sort out which project you will do as opposed to you making that decision yourself).

time, which means you billed a certain amount of time and the partner will not be able to bill the client for it.⁴⁰

Thus, if you tell the partner where you looked, how you looked, where and how you plan to research next, and where you are at after five hours, then the partner can respond, “Okay, only look in two of those three places and stick to the ten hour limit.” Or the partner may respond, “Go ahead, you can spend up to twenty hours on this or as much time as you need,” depending on what the client wants. You can avoid spending too much time on a project or not enough by simply communicating.

This approach will also help document your research, and you will know exactly where you looked for yourself or, if anyone else picks up this assignment or something similar in the future, then they can use your documentation of the research as a roadmap.

7. Ask Questions

This is probably one of the biggest mistakes that junior associates (and summer associates, interns and externs) make when they are given an assignment. They fail to ask the necessary questions to complete the work in a way that the assigning attorney wants. The attorney needs a certain work product, and he/she would rather you clarify what you will be handing in or ask questions to make sure you are providing the attorney with what he/she wants, than you submitting something that the attorney cannot use or does not want.

Ask the attorney questions about the assignment if you have any, and be ready and willing to discuss the assignment with the attorney. The practice of law should not entail an attorney requesting research and a memorandum, and the junior associate scrambling back to a dark, mysterious tower, only to toil over the legal issues for several days and then emerge with a Holmesian-like review and analysis of the law. The practice of law should be

⁴⁰ “Writing off time” hurts the partner as they can typically only write-off a certain percentage of hours on any case before they are marked down internally at the firm for inefficiency.

an interactive, team-oriented endeavor where attorneys develop, mold and refine legal issues and analyses together.

Thus, if your research takes you in different directions that you believe may be beneficial, then ask the attorney his/her thoughts. Similarly, if you have a factual or procedural question that is not answered in any of the documents you have read or requested, then ask the attorney if he/she knows the answer or where to find it. Some junior associates do not want to ask the attorney questions because they do not want to bother the busy partner or they do not want the partner to think that they are dumb. Again, the partner would much rather you ask them about the research so you can provide them with the finished product they are looking for, than you making assumptions about what the partner would have said and then turning something in that is not what the attorney wanted.

Also, attorneys should enjoy talking about the law, and they typically do, particularly when you are discussing an assignment they gave you. Finally, all attorneys are busy, but you will find that the attorneys will make time to answer your questions, which will allow you to complete their projects in the manner they want.

8. Submit Only Finished Work

Only turn in finished work product. Regardless of whether one or more attorneys say they are okay with nearly finished work product, most are not, and all would prefer a finished work product.

9. Seek Constructive Criticism

After completing an assignment, follow-up with the partner within a few days to obtain constructive criticism and feedback. The partner's schedule may not allow for immediate feedback, but be persistent and polite in pursuit of your criticism and feedback,

even if it takes a few weeks. Ask attorneys to provide you the feedback over lunch, which will make the process less formal and more cordial.

Some partners, if you drafted a brief for them, will simply hand you the final, filed brief for you to compare. These are golden learning opportunities as they often help you understand how you can make your writing more concise, persuasive, and professional. It also shows you the writing style of the partner, which you can then emulate in future assignments for that partner, understanding that other partners may have a completely different style.

10. Be Diligent

Regardless of what you are working on, be diligent.⁴¹ As Abraham Lincoln once said, “[T]he leading rule for the lawyer, as for the man of every other calling, is diligence. Leave nothing for to-morrow which can be done to-day.”⁴² You may think that this current project is the only one you will have for a few days, but other time-sensitive projects can emerge instantaneously.

E. Say Yes, But Not Too Much

Associates that do good work are usually sought after by senior associates and partners to do more work. You should say, “Yes,” and take on work that you have time for, and say, “No,” to work when you do not have time. I saw excellent associates leave the firm because they could not say, “No,” to any work. If you are unable to decline taking on work, then you can become burned out and suffer from severe physical, emotional and/or mental fatigue.

⁴¹ MODEL RULES OF PROF'L CONDUCT R. 1.3.

⁴² ABRAHAM LINCOLN, *Notes for a Law Lecture*, July 1, 1850, vol. II, p. 141, available at <http://www.abrahamlincolnonline.org/lincoln/speeches/lawlect.htm>.

Again, communication is the key. If you know that you cannot accept another project because of several projects you are working on, then let the attorney asking you to work on the new project know what projects you are currently doing, who they are for, how long you believe they will take, and when they are due. Politely tell the individual that you may have time, for example, in a couple of weeks to begin on a new project, but until then you are fully occupied.

F. Seek Out Good Work and Training

Make sure you are proficient in performing all of the tasks that junior associates typically do (e.g., researching and writing memoranda, drafting discovery requests and responses, writing briefs, and drafting pleadings).⁴³ Once you are fully competent in those areas, be aggressive in asking for more experience when appropriate, including seeking the opportunity to take and defend depositions, contact and work with opposing counsel on discovery or other issues, argue small motions, draft more significant motions (such as summary judgment motions), draft direct and cross examinations for hearings or trial, and prepare and/or take lower level witnesses at trial.

I was always very aggressive in seeking opportunities to obtain more experience, and I always prefaced my request to take a deposition, write a certain motion, etc., with the following statement, “I would absolutely love to do [that certain task] provided it is also in the best interests of the client and the client’s case.” For example, I would not ask to cross-examine the key witness at trial in a \$100 million case when I was a second year attorney and three partners with 60 years of combined experience were trying the case. A client paying for trial attorneys would not want that, and it would not be appropriate. On the other hand, for example, if we were representing a smaller client in a case worth 1 million dollars, then I

⁴³ Schiltz, *supra* note 10, at 927.

might ask to argue a discovery motion or examine a witness at trial. Also, as another example, if a major case involved multiple, straightforward depositions, then I would ask to take some of those depositions as a junior associate.

I also took on smaller cases, which allowed me to take the lead and gain tremendous experience, such as negotiating settlements with opposing counsel. Although the smaller cases and clients may be dwindling at large firms, some firms still have these clients that you can seek to represent, or you can take on pro bono cases to obtain this experience.

The more experience you obtain, the harder it will be for the office to pigeon-hole you into certain types of projects. At one of my firms, there was a junior associate from a top five law school who became known for excelling at document review, which is reviewing documents in discovery. Document review is necessary in any lawsuit, but it can be very tedious and boring at times, particularly if the documents are either extremely technical or mildly relevant. The talented junior associate eventually left the firm because practically all of the work the junior associate did entailed document review. The junior associate went to gain experience at another large firm that was known for providing junior associates with excellent experience.

Also, when you are short on work or find a spare time at work, then you should try to spend time with your family and loved ones or enjoy life by doing non-work activities. If you still have extra time, or your family or loved ones are not available, then you can take on a pro bono case, write an article about an issue you have worked on or that you are interested in, pursue speaking engagements, or work on business development, all of which I did. Firms always appreciate the positive attention that these activities bring to the firm, and they also benefit you professionally and personally.

Large law firms typically have some sort of professional development program that aims to improve the skill set of their attorneys. These programs used to be one of the characteristics of a big firm that set it apart from small firms as big firms provided in-depth training from oral argument to depositions to trial. Small firms, on the other hand, typically provided “training by fire,” meaning junior attorneys learned on the job.

Today, training at large law firms may be less robust as budgets for these programs are being reduced by some firms. In any event, make sure you are receiving training and taking advantage of what the firm offers. Also, ask the firm if it will pay for you to attend a local training through a CLE (Continuing Legal Education), which is common, on areas of practice that the firm may not be training on in the near future. When looking for training, choose the “learning by doing” programs that allow you to practice arguing a motion, taking a deposition, examining a witness, or presenting an opening statement or a closing argument.

I took advantage of training that my law firms provided, including oral argument, deposition training, and multiple mock trials, and these experiences helped me to develop and refine my skills. The trainings enabled me to perform better when I actually did argue in court, take and defend depositions, and try cases.

G. The Golden Rule – Treat Others How You Would Want to be Treated

The golden rule can help guide you throughout all of your practice at a large law firm or any legal organization, and it should permeate your entire professional career. It relates to a number of areas, such as dealing with opposing counsel, the less fortunate (pro bono work), clients, and co-workers.

1. Opposing Counsel – Be Civil

I constantly tried to create a friendly relationship with my opposing counsel, and even if I could not, then I tried to treat opposing counsel with dignity, courtesy and respect. My

approach allowed me to schedule depositions and hearings easier if I had a good relationship with opposing counsel, and it also helped me to resolve discovery disputes with opposing counsel. I always granted extensions on discovery to opposing counsel unless it truly prejudiced my client in some manner.

As a result of my treatment of opposing counsel, whenever I needed a few extra days to respond to discovery or a hearing date moved, opposing counsel generally accommodated my scheduling issues. I created such good relationships with opposing counsel that one of them asked me to be a reference for future employment. I gladly said yes.

One partner told me that he never heard of an attorney being fired for being too aggressive. And it is true that clients want aggressive attorneys, but you can provide aggressive, powerful and adversarial representation while still being civil.

One partner I worked for told me to use the “24 hour rule” when communicating with opposing counsel. The rule is that you respond to opposing counsel within 24 hours of them contacting you (with clients and co-workers you want to respond as quickly as possible). Even if you cannot provide a substantive response, then you can at least write or say, “I received your email or voicemail, and I will have an opportunity to call you tomorrow,” within the next few days, or whatever the case may be. This helps to create a good working relationship with opposing counsel.⁴⁴ The 24 hour rule is also a good rule to follow in your everyday life.

⁴⁴ See David A. Grenardo, Making Civility Mandatory: Moving From Aspired to Required, 11 CARDOZO PUB. L. POL’Y & ETHICS J. 239, Spring 2013 (discussing numerous rules to follow to maintain civility with opposing counsel, such as ensuring communications with opposing counsel are courteous and civil, and being punctual and prepared).

2. The Less Fortunate – Pro Bono

Attorneys have a responsibility to use their abilities and the privilege they have been given to practice law to help those in need of legal services.⁴⁵ I worked on a number of pro bono matters when I practiced at large law firms, and it was the most rewarding work I did as an attorney. I represented, among others, the developmentally disabled, First Amendment litigants, domestic violence victims, a grandmother adopting her grandchildren, and a war veteran in an unlawful detainer action. I was able to make other people's lives better by using my legal skills and the vast resources of my firms.

Pro bono not only allows attorneys to help those in need, but it also remains one of the best avenues for junior associates to gain invaluable training and refinement of legal skills. I gained a tremendous amount of experience working on pro bono cases, including, but not limited to, conducting an examination of a witness for the first time, making a closing argument for the first time, first-chairing a trial before an administrative judge, negotiating settlements, and arguing motions.

In addition to working on various pro bono cases, I also served on one of my firm office's Pro Bono Committees, as well as on the Texas Civil Rights Project Board of Directors ("TCRP"). Serving on the Pro Bono Committee allowed me to help determine which pro bono organizations would receive donations from our firm. Donations from large law firms help pro bono organizations pay for critical expenses, such as staff attorney salaries. I also gave donations to the TCRP, and the firm would match my donations. One case that I worked on for the TCRP resulted in a settlement agreement where attorneys' fees were awarded to our firm, half of which (\$12,500) we donated to the TCRP and the other half went into our pro bono budget to sustain other pro bono matters at the firm. The

⁴⁵ See MODEL RULES OF PROF'L CONDUCT R. 6.1.

money that firms give to pro bono organizations is vital to those organizations' existence, and it is yet another reason that I enjoyed working at large law firms.

3. Clients

Attorneys are in the service industry – we serve clients. It may be obvious that attorneys should treat their clients as well as possible, but we should also treat clients the way we would want to be treated. In particular, we should treat the client's time and money as our own. In other words, junior associates should be as efficient in their work as possible and complete tasks as expeditiously as possible. You should also conserve the client's resources as much as possible. For example, if documents need to be copied on a case from a third party, then you should coordinate with opposing counsel to determine if they want the documents too. If they do, then you can set up a cost-sharing system where the parties split the costs. Clients always appreciate when their attorneys save them time and/or money.

4. Co-Workers

Treat secretaries, janitors, mid-level associates, senior associates, partners, and everyone you encounter, with dignity and respect. Always try to be positive, particularly when others ask you about your colleagues. I always tried to talk positively about my colleagues, including those who were in my class and, thus, my competition eventually for partner. Stepping on others to get ahead burns too many bridges, and you do not need to throw away your moral compass to be successful at a large law firm. I enjoyed a good deal of success at my firms, and I would like to think in part it was because of the way I treated others.

Gossip in law school is worse than gossip in high school. Gossip at a law firm, however, is even worse than gossip in law school. There were some people that I worked with that I knew, once I told them something, the entire floor would know; others, once I

told them something, the entire office would know; and still others, anything I told them most of my firm in North America would know very shortly. There will be attorneys that you completely trust with your words, but there will be many more that have greater interest in spreading your words. As a result, be smart about who you are sharing information with and be careful about what information you are sharing.

To that end, law firm gossip can be a powerful tool so long as you control the message. If I wanted others to know something, then I told the biggest gossip to help me spread the word. For example, I enjoyed doing trial work, taking depositions, and working with a partner that others believed was difficult to work alongside. If other attorneys knew, for instance, that I could easily work with a difficult partner, then those attorneys would be confident that I could also work well with them. Also, if my work pleased even the most demanding partner, then other partners and attorneys would believe that my work would be satisfactory to them.

You can also use gossip in a positive way to spread other messages, including personal messages, such as the fact (hypothetically speaking) that you will be taking a two-week vacation in June with your family (you should also tell anyone you are working with well in advance to allow the firm to make arrangements on your cases while you are gone), you always go to a religious service on Sunday with your family, or Thursday is date-night with your spouse. This will let others know where you will be, and most attorneys will respect those times that you have set apart for your family or personal time for yourself, provided you complete your work.

If you find yourself working for a miserable person, then do the best you can on that case or project, and move to the next case with a different partner. In any profession or

industry there exist terrible bosses and people who are miserable at work. That does not mean you have to be one of them, and you should still treat them with dignity and respect.

H. Join Committees With A Purpose

Know the downsides and the upsides of working on a committee before you commit to serving on one. For example, most firms do not count hours spent on committee work as billable hours. Attorneys can spend hundreds of hours recruiting law students, for example, but they are typically not compensated for their efforts. At the same time, recruiting and hiring committees allow you to shape the character of the firm based on the type of attorneys you bring into the firm, which makes for a better work environment for you.

Also, some committees may provide you with access to high-level partners who will eventually be voting on whether you become a partner or not, while other committees may help you better understand how the firm is run. In any event, you must weigh the pros and cons for each committee, including how much time it will take to serve on them, the long-term benefits, and the level of passion that you have for the committee, before you decide on whether to serve.

I. Is Selling My Soul a Condition Precedent to Working at a Large Law Firm?

You must never compromise your morals or values for any job – when you do, you are selling your soul. You do need not to sell your soul to work at a large law firm. I certainly did not. I recall one case in particular where the managing partner of the office asked me to work on a case to represent a church. A minister for the church allegedly molested a child, but our firm was representing the church and not the minister. The partner told me that I would receive great experience on the case, including taking and defending numerous depositions.

The subject matter of child molestation disgusts me. And I literally told the partner, “If you put me on that case, then I will throw-up.” I could not endure reading deposition transcripts regarding this subject matter, let alone take or defend these depositions in person. The managing partner asked me to think about whether I would work on the case and reconsider. I thought about it and reiterated my position either the next day or in the next few days. The managing partner respected my decision, and I suffered no recourse from my decision. In fact, I later worked on several other matters for that partner, and we maintained a great working relationship.

You must always be willing to stand up for yourself. The firm respected my decision, and I held onto my soul, so to speak. Also, if I could not zealously advocate for that client, then I should not have worked on that case anyway.⁴⁶

The law firm also had numerous other clients and cases that I could work on, and I understood that, as did the firm. Thus, you must be aware of the types of clients that your firm represents, and avoid working at a law firm that represents clients that you oppose morally, which might prohibit you from fully and zealously advocating for them.

Also, as I mentioned above, the amount of valuable pro bono work that I was able to do helped purify my soul, rather than sell it. One of my projects called “Kids In Court” allowed me to create and implement a mock trial for inner-city fifth grade students in Los Angeles, serve as a mock trial judge for that event, and speak to those students about being an attorney. The experience of showing these children the legal system in a positive light and inspiring them to become part of the system as attorneys who are officers of the court and guardians of the legal system was priceless.

⁴⁶ See MODEL RULES OF PROF'L CONDUCT PREAMBLE, 2 (2013).

Some firms and some offices exhibit different levels of morals and values, but you must remain true to yours.

It is possible for individuals to lose their morals and values in many different types of jobs, not just as attorneys in a Big Law firm. If you tend to stray away from the right path because of a less-refined moral compass, then it may not be the particular job you are at; it may be something that you need to address within yourself.

Every firm I worked at discussed diversity. Although it seemed to be more of a priority in some firms than others, as a diverse individual (my mother was born and raised in Poland and my father was born and raised in Guyana in South America), I never felt that I was discriminated against or given preferential treatment because of my race or ethnicity. I appreciated that from all of my firms.

J. Avoid the Golden Handcuffs

Many junior associates, after receiving their first several large paychecks, make major purchases, such as cars (Mercedes Benz, BMWs), houses, or condos. These “golden handcuffs” prohibit a junior attorney from leaving a Big Law job because that Big Law job pays those large bills. The golden handcuffs can help lead a junior associate to resent the job without, possibly, completely giving the big firm job a chance because the associate feels as if they have no choice but to stay. If an associate avoids the golden handcuffs, then he or she may feel more peace in staying at the big firm to give it his or her “best shot” without feeling trapped.

III. Making Partner

Making partner at a large law firm is difficult. There is not a set list of tasks that you must accomplish to make partner, nor is there one singular approach or philosophy on how

to make partner – several are discussed below.⁴⁷ Nevertheless, there are some basic elements that are necessary to make partner. For example, you must work hard and produce excellent work to make partner.⁴⁸

You must also survive attrition to become partner. If you do not stay at the firm, then you cannot make partner. Partnership tracks are typically seven to ten years, depending on the firm.⁴⁹

Another basic element to making partner is relationships. You want to work with as many partners as possible and get to know as many partners as possible, because partners vote on who else will make partner. You should also try to build relationships with the partners at your firm by spending time with them outside of work via lunches, dinners, tennis, golf, or through other mutual interests. If a firm has equity and non-equity partners, then typically the equity partners vote in the new partners. Even if a partner will not be voting, then the partner can still lobby for you before the vote. And if a partner does have a vote, then you want him/her on your side. It helps to have a mentor who can guide you through your journey as an associate and through the partnership process, and who can argue vigorously for your promotion to partner.⁵⁰ Furthermore, you want to learn about the partners as much as possible to determine if they are people that you want to call your fellow partners.

Once you start to interact with the clients, who are typically the in-house counsel for the corporate clients, then you should start to build a relationship with them as well. Meet them for lunch or dinner with the partner you work for to help enhance the relationship

⁴⁷ See, e.g., Brannon Robertson's Responses to Questions on Large Law Firms app. C [hereinafter Robertson's Responses].

⁴⁸ See, e.g., Penn C. Huston's Response to Questions on Large Law Firms app. E Q&A 2 [hereinafter Huston's Responses]; Roy's Responses.

⁴⁹ Robertson's Responses.

⁵⁰ See, e.g., *id.*; Roy's Responses.

with the in-house counsel and to keep the partner at your firm at the forefront of the relationship. You do not want the partner thinking that you are trying to undermine his/her authority or relationship with the client. The law is about relationships, and the relationships with your clients and the partners at your firm can help you rise to partnership.

As I was told by many partners throughout my time as an associate, you have the best chance of becoming partner in one of three ways: (1) performing extremely well for a client to the point that the client wants you to remain with the firm and can pay your billable rate if you become a partner; (2) a partner or partners believe that they need you to serve a major client or major clients of the firm; or (3) you maintain a large book of business, meaning clients that you brought into the firm generate a large amount of net revenue.⁵¹ As firms continue to focus on institutional clients, it is difficult for an associate to bring in clients that will affect a firm's bottom line. As a result, unless you have connections to potential major clients, then your best options are (1) and (2), both of which revolve around doing tremendous legal work and serving the clients.

And even if you do not have a book of business or a large book of business, then you should at least be able to show the potential to obtain a book of business if you make partner.⁵² Business development involves staying in touch with former classmates (college, law school, etc.) whose businesses or employers may need legal assistance at some point, attending networking (e.g., bar association) or social (e.g., charity) events to meet in-house counsel and other potential clients, and being generally ready to pitch your firm to any potential client you meet in your everyday life. This means you must know the strengths and weaknesses of your firm and what particular services your firm provides. Also, ask partners if you can assist with any pitches they are making to potential clients. If you document all of

⁵¹ See, accord, *id.*

⁵² See, e.g., *id.*

these efforts and make partners aware of your interest in bringing in business, then you can demonstrate your potential to obtain a book of business, and you may even land a client in the process.

Several current partners at Big Law firms provide four common pieces of advice regarding making partner. The first may be an obvious one, but it is perhaps the most essential. The partners agree that producing “first-rate work product” is a vital aspect of a promotion to partner.⁵³

The second piece of advice they offer relates to the relationships built with clients during one’s time as an associate. Brannon Robertson, a partner at King & Spalding, states that if “clients are calling you directly,” then you are moving in a positive direction toward partnership.⁵⁴ Having such strong connections with major clients is important because ultimately they will become willing to “pay your billable rate if you become a partner.”⁵⁵ Whitney Jones Roy, a managing partner of Sheppard Mullin Richter & Hampton’s Los Angeles office, suggests that becoming “essential to an existing partner or firm client” will make you an attractive candidate for partner.⁵⁶

The third piece of advice they offer is that associates should be able to “persuade their firm that the firm will be a more successful business enterprise with them than it would be without them.”⁵⁷ Penn Huston, also a partner at King & Spalding, explains that well-managed law firms “focus more on what someone is likely to accomplish as a partner than on what they have accomplished as an associate.”⁵⁸

⁵³ Roy’s Responses; see also, Huston’s Responses.

⁵⁴ Robertson’s Responses.

⁵⁵ Roy’s Responses.

⁵⁶ *Id.*

⁵⁷ Huston’s Responses.

⁵⁸ *Id.*; see also, Roy’s Responses (explaining the importance of “show[ing] the potential of developing a book”).

Lastly, the partners agree on the importance of “achieving external recognition.”⁵⁹ The partners recommend getting “involved in community work outside the office”⁶⁰ “in a way that is consistent with and furthers their firm’s business objectives.”⁶¹

Mr. Robertson, Ms. Roy, and Mr. Huston, like many other partners, enjoy being partners at large law firms.⁶² Life as a partner entails increased decision-making on the cases you work on and within the firm, as well as a continuing duty to serve clients extremely well.⁶³ Ms. Roy enjoys the variety of tasks and settings that she encounters as a partner, which includes, among other things, working or meetings in the office, depositions, trying cases or arguing in court, and mentoring associates.⁶⁴

Ms. Roy advises the following:

The key to surviving is learning how to go with the flow. When you are busy, just focus, be efficient, and get the work done. When things slow down, learn to enjoy the breather. You also have to protect your personal time – no one is going to do that for you. This is the sort of job that will take as much time as you are willing to give it. If you do not protect the things that are important to you (family time, exercise, etc.), the job will expand to take over those things and you will burn out. Yes, there are times when a 24-7 commitment to the client is essential. But, you have to learn the right balance for yourself.⁶⁵

Even if you do not make partner, some firms will allow you to remain at the firm as of-counsel or counsel, which are designations for senior attorneys who are neither associates on partnership track nor partners. You can earn a healthy living as an of-counsel or counsel attorney, and many attorneys enjoy it because there is typically no pressure to bring in clients or to grow business with existing clients.

⁵⁹ Robertson’s Responses.

⁶⁰ Id.

⁶¹ Huston’s Responses.

⁶² See Robertson’s Responses; Roy’s Responses; Huston’s Responses.

⁶³ See Huston’s Responses.

⁶⁴ Roy’s Responses.

⁶⁵ Roy’s Responses; see also RAPOPORT, *supra* note 16, at 170 (stressing the fact that partners should spend time on addressing their “physical and psychological health”).

CONCLUSION

Big Law jobs are sought after by the top law students in our country every year. If you are looking for a steady, stable income, a tremendous resume builder or a career, and you are ready to work extremely hard, then large law firm life may be right for you. Although you need not check your morals, values or ethics at the door, you must be willing and able to make time for loved ones in the wake of fulfilling your billable hour requirements and serving the clients.

Even if you do not stay with a firm, but you follow the advice in this article, then you can succeed at a large law firm and then move on to something else. If you do succeed and survive, then you have a chance to make partner and reach a goal that many aspire to and fewer achieve. As I said before, there is a price for everything, and the answer to whether you are willing to pay that price at a large law firm may be yes for a few years, a decade, or your entire career. Regardless of where you work, the decision to follow your moral compass and avoid being consumed by money and power is always yours and yours alone.

Appendix A
Rasha Gerges' Responses to Questions on "Large Law Firms"
Proposed by David A. Grenardo, Assistant Professor of Law
Summer 2013

1. Current Organization and Title

Rasha Gerges, Assistant United States Attorney
Deputy Chief, Organized Crime Drug Enforcement Task Force

2. Prior Large Law Firm Experience – Name of Firm(s) and the years you worked at the firm(s)

Jones Day, Los Angeles, 2003-2007

3. Did your stint at a large law firm help you obtain your current position or any prior positions? If so, how?

I think working at Jones Day helped me obtain my position at the U.S. Attorney's Office for several reasons. First, the U.S. Attorney's Office usually does not hire applicants directly from law school or clerkships; it generally looks for applicants with some experience actually practicing law. Accordingly, the majority of AUSAs come from big law firms or were former prosecutors at the state or local level. Second, at Jones Day, I was fortunate enough to work with several former prosecutors who were well respected at the USAO and who were willing to provide me with recommendations. While recommendations alone are not enough to get an AUSA position, I think they greatly increased my visibility in the application process, especially when I was competing with hundreds of other applicants for a handful of positions. Third, Jones Day encouraged associates to work on pro bono assignments and, as a result, I was provided with several exceptional litigation and appellate opportunities – including arguing before the California Supreme Court, which I imagine gave me a significant advantage over other applicants. Finally, on a practical note, working at a big firm and earning a big firm salary for a few years definitely helped me pay off school loans before taking a significant pay cut to join the USAO. While this factor did not assist me in obtaining my position, it did give me the option to apply for this position.

Appendix B
David Bernal's Responses to Questions on "Large Law Firms"
Proposed by David A. Grenardo, Assistant Professor of Law
Summer 2013

1. Current Organization and Title
Prior Organization(s) and Title(s) that post-date your stint at a large law firm

Senior Counsel at Apache Corporation since 2008.
Judge, 281st Judicial District Court, State of Texas – 2003-2008
2. Prior Large Law Firm Experience – Name of Firm(s) and the years you worked at the firm(s)

King & Spalding 1999-2003
Baker Botts 1995-1999
3. Did your stint at a large law firm help you obtain your current position or any prior positions? If so, how?

Without a doubt. One of the things the governor's office looked at when making appointments to the Texas judiciary was prior large law firm experience. Likewise, many corporate departments only look to large law firms when staffing in-house counsel positions. The rationale for both, I would argue, is the same. Large law firms often only take "top of the class" students. As such, the governor's office and corporations can quickly utilize prior large law firm experience as a "down and dirty" screening mechanism. This screening would be akin to the same "down and dirty" mechanism law firms employ when focusing on the caliber of the law school as a prerequisite to attorney hires. In addition to the opening of doors described above, large law firms also afford opportunities with respect to not only the breadth of representation but also the scope of such representation. This breadth can prove invaluable to the development of an attorney. Furthermore, large law firm experience often affords the lawyer exposure opportunities with respect to the leaders of the bar and leaders in industry. All the above being said, I do not mean to suggest that failing to work for a large law firm is a death knell to one's career path. However, I think it disingenuous to suggest that large law firm experience can ever really be a detriment.

Appendix C
Brannon Robertson's Responses to Questions on "Large Law Firms" for Partners
Proposed by David A. Grenardo, Assistant Professor of Law
Summer 2013

1. Name of Firm

King & Spalding

2. How do attorneys typically become partners at large law firms?

The passage of time is an obvious factor. While it varies from firm to firm and among individual lawyers, seven to ten years as an associate is about the current norm. But just staying at the firm for the requisite length of time will not translate into a partnership, of course. You must have the right skills, too: hard working, intelligent, and a command of your chosen practice area. That's pretty generalized information, but there is no checklist an attorney can complete to guarantee they will become a partner. You can't say, "I won that huge summary judgment motion," or "I've led X number of deal teams," etc., and therefore I've earned the right to the bigger office. Those concrete achievements are important, but they don't always lead to partnership. Nonetheless, here are a few important things I think it is useful for associates to think about as they move up the ranks.

- (1) Are clients calling me directly?

This is a good sign that you are earning their respect.

- (2) Am I focused on the business of the firm?

As an associate, you don't have to be the one landing the huge new Fortune 500 client. A nice thing about working at a large firm is the absence of much pressure to develop business at the start of your career. It's nothing like trying to hang a shingle right out of law school. At a big firm, there is usually work waiting for you when you arrive. Yet that can lull you into a false sense that work will always be waiting for you, or that developing business is not important. But developing business is critical—and it will only come about if you have a game plan.

- (3) Am I achieving external recognition (legal and otherwise)?

You can't just be a clock-puncher. Get involved in community work outside of the office.

- (4) Find a mentor.

A mentor doesn't have to be your best friend or even the person you do the most work with. But find a partner respected in the firm and one you feel comfortable asking "dumb" questions to.

3. How did you become a partner?

I like to think I met the factors set out above. I certainly had several great mentors.

4. What is life like as a partner?

It definitely has upsides: financially, and because of the increased autonomy it gives you. But in many ways, a lawyer's job is the same whether they are first year or a 20-year veteran. We are here servicing our clients who (rightfully) expect exceptional performance. Whether you're an associate or a partner, and regardless of the size of your law firm, the legal profession is hard (but rewarding) work.

Appendix D
Whitney Jones Roy's Response to Questions on "Large Law Firms" for Partners
Proposed by David A. Grenardo, Assistant Professor of Law
Summer 2013

1. Name of Firm

Sheppard Mullin Richter & Hampton

2. How do attorneys typically become partners at large law firms?

The first step is to do high quality work. Once you get a reputation of being good at what you do, people will want to work with you and you will always have a full plate of work. A full plate is essential because you need to show your billable hours are consistent through the years.

The next step is to move from someone on the team who merely executes on projects that they are given to the person who assumes a leadership role and helps to drive the team. As an associate, your goal should be to lighten the load of the partners you work for and become the "go-to" person that everyone can count on. As you are developing as a lawyer, you cannot neglect the networking/marketing side of things. Developing and maintaining relationships with people who may, down the road, send you business is essential but often neglected.

After that, I think everyone's pathways to partnership are different but I see three main ways: (i) You develop your own book of business or at least show the potential of developing a book; (ii) You become essential to an existing partner or firm client; or (iii) You develop a niche practice and the partners in your firm depend on you to fill that need for their existing clients.

3. How did you become a partner?

I think there were two key things that I did that helped me make partner:

(i) I became indispensable to a partner who handled all of the litigation for a major firm client. Through my contribution to work for that client, we were able to grow the business from that client. This resulted in several things. By expanding the business, I made the partner look good and transformed him into an advocate/sponsor for me. Once he was on board with the idea that I should make partner, it became much easier. Secondly, by expanding the business, I was able to show the firm that rather than expecting to divide the existing pie between the two of us once I made partner, instead, we were growing the pie together.

(ii) I spent significant time contributing in non-billable ways to the firm (pro bono, recruiting, associate issues committee, women lawyers group, practice group activities, etc.). I found several opportunities as an associate to assume leadership roles within the firm and took on projects that gave me access to the decision-makers in the firm that I would have otherwise not worked with. Through this, I was able to show my commitment to the firm was extensive and valuable.

4. What is life like as a partner?

I very much enjoy being a partner in my firm. I know there is a common misconception out there that working for a “big law firm” is unpleasant but my experience has been quite the opposite. Firm culture plays a major role in the happiness factor—Sheppard Mullin prides itself in being a collegial and democratic partnership. Working with talented lawyers who love their jobs and respect you makes dealing with the stresses of high-stakes litigation much easier. Every day is different as a partner. Some days I am out of the office in court or deposition. Other days, I am in the office juggling multiple issues, attending meetings, handling administrative responsibilities, mentoring associates, etc. I like the variety.

The key to surviving is learning how to go with the flow. When you are busy, just focus, be efficient, and get the work done. When things slow down, learn to enjoy the breather. You also have to protect your personal time – no one is going to do that for you. This is the sort of job that will take as much time as you are willing to give it. If you do not protect the things that are important to you (family time, exercise, etc.), the job will expand to take over those things and you will burn out. Yes, there are times when a 24-7 commitment to the client is essential. But, you have to learn the right balance for yourself.

Appendix E
Penn C. Huston's Responses to Questions on "Large Law Firms" for Partners
Proposed by David A. Grenardo, Assistant Professor of Law
Summer 2013

1. Name of Firm

King & Spalding LLP

2. How do attorneys typically become partners at large law firms?

Lawyers are promoted to partner who: (1) consistently produce first-rate work product, (2) work hard, (3) present themselves to the legal community in a way that is consistent with and furthers their firm's business objectives, and (4) persuade their firm that the firm will be a more successful business enterprise with them than it would be without them. Items one and two seem self-explanatory and, I believe, are already well understood. Items three and four may be less obvious. I find that the greatest disconnect between associates and partners in the partner promotion process is on the issue of whether the decision is forward looking or looking back. Associates sometimes feel that a particular candidate has "earned" a promotion to partner. In contrast, law firms (at least the well managed ones) focus more on what someone is likely to accomplish as a partner than on what they have accomplished as an associate. In fairness, there is a lot of overlap in these two concepts--probably the most important indicator of what someone will do in the future is what they have done in the past. But, there is not complete overlap. Someone who excels at items one and two above is almost certainly a great associate, but may or may not be a great partner.

To be an attractive partner candidate you must understand what your law firm's strategic goals are and communicate how you can contribute to helping the firm reach those goals. Of course, some firms are better than others about articulating their strategic goals and sharing them with associates. But whether the communication style of your firm makes it easy or hard, an associate wishing to be promoted to partner must dedicate herself to understanding what the firm wants to achieve and figuring out how she will help the firm achieve that.

3. How did you become a partner?

I, of course, worked hard and did good work. I volunteered for firm committees (and not just the fun ones). I learned about the practices of other lawyers in the firm and looked for ways that they could help the clients I was working with. I communicated to the partners that I felt privileged to be a part of the firm and was excited about what the firm and I could accomplish together.

4. What is life like as a partner?

It is wonderful to be the senior lawyer on matters. Being (along with the client) the decision maker on strategic decisions is much more interesting than implementing decisions made by others. Similarly, I love being part of management of a business and helping the firm become stronger. It is stressful, as one would expect, but rewarding and fulfilling.